

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK KENNEDY

v.

TABB BICKELL, et al.

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CIVIL ACTION

NO. 11-7812

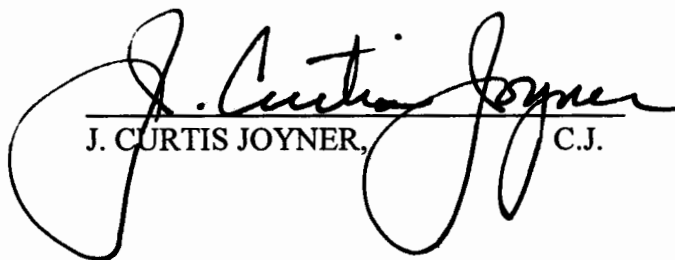
**ORDER**

AND NOW, this <sup>th</sup>18 day of October, 2012, upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of Magistrate Judge Thomas J. Rueter, it is hereby

**ORDERED**

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED** without prejudice; and
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
J. CURTIS JOYNER, C.J.